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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,654	04/11/2001	Gershon Kandler	6727/1J087US1	1613

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EXAMINER

NGUYEN, LEE

ART UNIT PAPER NUMBER

2682

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/832,654

Applicant(s)

KANDLER, GERSHON

Examiner

LEE NGUYEN

Art Unit

2682

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-7,9-25 and 32-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9-25 and 32-44 is/are rejected.
- 7) ☒ Claim(s) 45-48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-7, 9-15, 18-25, 32-37, 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (EP 0898378 submitted by Applicant) in view of Youngs et al. (US 6,600,918).

Regarding claims 1, 18, 20, 21, 23, 40, 42, Ito teaches an apparatus for in-vehicle provision of audio content to a listener (figs. 1, 18), comprising: a PHS (personal handy phone system) telephone 4, 70 adapted to receive broadcast radio content over a wireless network (PHS base station [0032]); and an in-vehicle audio system 74, 71, 72, 73L, 73R adapted to be fixedly installed in a vehicle and coupled to receive the broadcast radio content from the PHS telephone 70, and to play the content in the vehicle, see [0127], wherein the broadcast radio content received over the wireless network is user selected, see [0135], and wherein the audio system 74, 71, 72, 73L, 73R is adapted to receive, from a user, an input comprising at least one detail regarding the broadcast radio content to be received, and to transmit the at least one detail to the PHS telephone, see [0135]. Ito only differs from the claimed invention in that a cellular phone is used to receive the broadcast radio content. However, the art of using a

Art Unit: 2682

cellular phone in the GSM system to receive the broadcast radio content is conventionally well known, as taught by Young in column 3, lines 1-19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Youngs to the system of Ito provide more multimedia programs to cellular subscribers.

Regarding claims 2, 24, the above combination also teaches receiving the broadcast radio content over the wireless network at a time when the radio content is not being broadcast over radio channels (prerecorded, col. 3, lines 13-14 of Youngs). The motivation is for the same reason as set forth above.

Regarding claims 3, 25, the above combination also teaches receiving the broadcast radio content over the wireless network at a location where the radio content can not be received over radio channels (fig. 1, numeral 28 of Youngs). The motivation is for the same reason as set forth above.

Regarding claims 5, 19, 41, the above combination also teaches receiving input from the user at the cellular telephone detail regarding the content and to transmit the detail to the a content provider over the wireless network (see [0034] of Ito).

Regarding claim 6, the above combination fails to teach that the input comprises a verbal input. It is taken official notice that the art of using voice recognition in the cellular art is conventionally well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include voice recognition to the system of Ito in order to provide convenience to the users who dislike typing.

Regarding claim 7, the above combination also teaches comprising contact buttons (Youngs, col. 4, lines 12-13). The motivation is for the same reason as set forth above.

Regarding claims 9-10, 22, 32, 44, the above combination teaches that the in-vehicle audio system can function as a radio independent of the cellular phone, and is adapted to receive, as the input, radio station broadcast frequency of the radio to which the radio is tuned (AM/FM radio receiver in [0127] of Ito).

Regarding claims 11, 33, the above combination also teaches that the at least one identification detail is stored in a memory of the cellular phone (music offering service request transmitted from remote controller 74 is inherently stored by the control unit 10 in the cellular phone 70, see [0135] of Ito).

Regarding claims 12, 34, the above combination also teaches that the wireless network is the Internet (col. 3, 15-19 of Young), which inherently includes WAP enabled. The motivation is for the same reason as set forth above.

Regarding claims 13-14, 35-36, the above combination fails to teach GSM that includes GPRS. It is taken official notice that the art of implementing GSM that includes GPRS is conventionally well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the GSM system in the system of Ito in order to also include European cellular system into account.

Regarding claims 15, 37, the above combination also teaches that the cellular telephone is adapted to transfer the audio content to the in-vehicle audio system via a wireless link therebetween, [0136] of Ito.

Regarding claim 43, the claim is interpreted and rejected for the same reason as set forth in claim 20. The above combination further teaches identifying the preferred radio station from the at least one detail and downloading broadcast radio content over the wireless network to the cellular telephone (see [0034] of Ito).

3. Claims 16, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Young as applied to claim 15 above, and further in view of Witkowski et al. (US 2002/0197955).

Regarding claims 16, 38, the above combination of Ito and Young fails to teach the conventional Bluetooth used in vehicle audio system. However, this technique is taught by Witkowski in [0036]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Witkowski with the above combination in order to inherit the low cost implementation of Bluetooth technology.

4. Claims 17, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Young as applied to claim 1 above, and further in view of Chen (US 6,134,456).

Regarding claims 17, 39, the above combination fails to teach wired link rather than wireless. However, Chen teaches wired link between a cellular phone and the vehicle audio system (see figures 2, 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wired link of Chen to the

Art Unit: 2682

system of the above combination in order to be able to recharge power to the battery of the cellular phone by avoiding multiple power supply (col. 1, 49-50).

***Allowable Subject Matter***

Claims 45-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 45-48, the prior art of record fails to teach the limitation as explained in the remarks.

***Response to Arguments***

Applicant's arguments filed 7/25/2005 have been fully considered but they are not persuasive.

In the remarks, Applicant contends that remote control 74 in figure 18 of Ito can not be part of the fixedly in-vehicle audio system.

In response, first, the examiner believes that independent claims 23 and 40 do not contain such limitation. Second, the language of independent claims 1 and 18 does not exclude the remote control of Ito as required in newly dependent claims 45-48.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is 571-272-7854. The examiner can normally be reached on FIRST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VUONG, QUOCHIEN can be reached on 571-272-7902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**LEE NGUYEN**  
**PRIMARY EXAMINER**